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ABSTRACT

These guidelines present in outline form the rights and responsibilities of elementary and secondary students enrolled in Department of Defense Dependents Schools. The guidelines are statements of principle. The laws and customs of host nations and the general authority of local U.S. military commanders will determine how these guidelines are applied. This volume defines student rights and responsibilities in the areas of freedom of expression, personal appearance, student government and involvement, school property and facilities, student records, search and seizure, student discipline, and the use of community resources. (DS)

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DEPARTMENT OF DEFENSE
DEPENDENTS SCHOOLS

STUDENTS' RIGHTS AND RESPONSIBILITIES IN THE DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS SYSTEM

EA 008 937

TABLE OF CONTENTS

		Page Number
I.	Introduction	1
II.	Access to Learning	1
III.	Freedom of Expression	
	A. Free Expression - Oral, Written, Symbolic	2
	B. Personal Appearance	3
IV.	Student Governance	
	A. Student Government and Involvement	4
	B. Student Activities	4
	C. School Property and Use of Facilities	5
	D. Off-Campus Events	5
	E. Antidiscrimination	5
V.	School Records	
	Maintenance, Collection and Dissemination of Student Records	6
VI.	School Discipline	7
	Definitions	8
VII.	Protection of Personal Privacy (Search and Seizure)	9
VIII.	Community Resources	
	A. General	9
	B. Medical	10

I. INTRODUCTION

Student involvement in the educational process is a basic right. Active involvement of students in their education, including planning and evaluation, fosters a spirit of inquiry in which students may freely express their own views and listen to and evaluate the opinions of others. Basic to this document is the concept of mutual respect between faculty and students. The school staff, parents, or sponsors, installation commanders, and students have the responsibility for working together so that all students have the opportunity to develop to their full potential under a democratic system.

These guidelines have been developed in order to provide an understanding of the rights and responsibilities of all students, both elementary and secondary, in the Department of Defense Dependents Schools.

These guidelines are general statements of principle and will be subject to limitations imposed by the laws or customs of a host nation or by the general authority of the installation commander. Legal jurisdiction in overseas military communities is shared by the host nation legal agencies and the installation commander.

II. ACCESS TO LEARNING

RIGHTS TO AN EDUCATION

Rights:

All students, in kindergarten (K) through grade 12, are entitled to an educational program comparable to those offered in public schools in the United States. In accordance with pertinent directives and regulations governing eligibility for enrollment, this right extends to pregnant and married students. Handicapped students in grades K through 12 are eligible regardless of age. It also assures that students who have been expelled have a right to seek alternate means of obtaining an education.

Students who have dropped out of school and are still within eligibility regulations may return to school. Students have the right to be informed of their educational progress and deficiencies, to

receive regular teacher evaluations, and to have assignments and tests evaluated and returned.

Students have the right to make decisions when options are available regarding their own course of study.

Individual rights of students are affected by the unique regulations created by current Federal laws and judicial decisions concerning minor or adult status.

Responsibilities:

Students, regardless of age, have the responsibility for conducting themselves in a manner which does not violate the rights of other people. They share with administrators and teachers the responsibility of developing a climate within the school that is conducive to productive learning and living.

It is the responsibility of students to attempt to complete the courses of study necessary for programs they have agreed to pursue. Students and parents must be responsible for class attendance, in accordance with local school policy, for maintaining properly the textbooks and other equipment issued by the school, for obeying school rules, and for accepting just and appropriate consequences if responsibilities are not fulfilled.

III. FREEDOM OF EXPRESSION

A. FREE EXPRESSION - ORAL, WRITTEN, SYMBOLIC

Rights:

Students have a right to free inquiry and free expression of ideas. Free expression is not to be restricted unless its exercise interferes with the orderly conduct of classes, or school operations, or disrupts the school community or the host nation environment.

In keeping with U.S. trends and court decisions, students have the right to recite the Pledge of Allegiance and salute the American flag, but may decline to do so, so long as they respect the rights of others who wish to do so.

Religious activities are not part of the school program; however, a religious document as a work of literature, or religions can be studied "about" within the framework of the regular school curriculum.

Responsibilities:

Students are responsible for the content of their expression and for assuring that such expression does not interfere with the freedom of others to express themselves. They have a responsibility to avoid libel, slander, obscenity, profanity, known falsehood, or disregard for truth.

Students also have a responsibility for showing proper respect for those who wish to participate in the flag salutes or patriotic ceremonies, and to respect the customs and flags of all nations.

B. PERSONAL APPEARANCE

Rights:

Students have a right to participate with school officials and parents in the development and dissemination of written policies concerning student dress and appearance.

Responsibilities:

Student dress and appearance are the responsibility of students and their parents, both of whom should assure that neither dress nor appearance poses a health, sanitation, or safety hazard to the student or causes disruption to the educational process.

Students have a reponsibility for assuring that their dress or appearance does not violate any reasonable requirement for a specific class or activity.

Students have a responsibility for participating with school officials and parents in the development and dissemination of written policies concerning student dress and appearance.

IV. STUDENT GOVERNANCE

A. STUDENT GOVERNMENT AND INVOLVEMENT

Rights:

Students have the right to establish and to participate in a student government that provides all students a voice in school affairs through a representative system. Student government should represent the interests of students in the formulation of school policies such as curriculum development, discipline, and school-sponsored activities, in a cooperative effort with the school faculty and administration.

It is the right of students to question, examine, and discuss any issue relating to the school environment or to the policies, practices, and proposals of the school, and to receive a direct and reasonable response. Students who are not satisfied with the response may appeal to the next higher school authority.

Responsibilities:

It is the responsibility of students to be involved in student government, to participate in seeking and disseminating information concerning issues they raise, and to be responsible for pursuing their inquiry.

B. STUDENT ACTIVITIES

Rights:

Students have the right to participate in the planning of school activities. The selection of activities should be the result of mutual agreement between student organization and school officials.

Approved activities can function as long as their proceedings are in accordance with the conditions agreed to by student representatives and school officials. The opportunity to participate in school activities is guaranteed to all eligible students.

Responsibilities:

Students have the responsibility for assuring that school-sponsored activities in which they participate are school related and meet the conditions agreed to by student committees and the school officials.

C. SCHOOL PROPERTY AND USE OF FACILITIES

Rights:

Students have the right to the use of school facilities, equipment, and services for student planned activities scheduled in consonance with the school activity program.

Responsibilities:

Students have the responsibility for adherence to reasonable regulations governing the conditions for such use.

D. OFF-CAMPUS EVENTS

Rights:

Students have a right to attend and participate in school-sponsored off-campus events and to participate along with school officials in determining the conditions under which those events take place.

Responsibilities:

Students at school-sponsored off-campus events have the responsibility for acting in accordance with school rules, installation regulations, and customs of the host nation.

E. ANTIDISCRIMINATION

Rights:

The right of students to participate fully in classroom instruction and in school activities shall not be abridged or impaired because of sex, race, color, national origin, or religion. All students have the right to fair and equal opporunities in all educational and school-sponsored activities (including number, quality, type, range and support).

Responsibilities:

Students have the responsibility for fostering good human relations within the school by practicing courtesy and tolerance in their dealings with each other and members of the school staff.

V. SCHOOL RECORDS

MAINTENANCE, COLLECTION & DISSEMINATION OF STUDENT RECORDS

Rights:

It is the right of students to expect the school to maintain an accurate official academic record for each student enrolled. This record should contain official data pertinent to understanding the student's educational history, for example, name, birth date, academic work completed and grades received.

The student has a right to know that the privacy of the student's records is the responsibility of the school administration and those people authorized access to the records. Access to a student's record is restricted to the parents or sponsor, the student and persons with a "need to know" directly associated with the education of the student, for example, teacher, counselor and school nurse.

Persons other than authorized school officials will not have access to student records without written permission of parent and/or student, except where a student's record is formally requested by an authorized investigative agency. An accurate accounting will be kept of all disclosures.

In the case where it may be considered necessary to collect additional information on a student, other than that collected on all students, individual permission of parent and/or student must be received in each case.

The parent and/or student has the right to refuse to allow the results of such additional information be entered into the official record.

The parent and/or student has the right to challenge any information contained in the student's record which is considered of questionable validity and to enter into the official record a statement of their reasons for the challenge.

All students should have access to their school records. In the case of students under 18 years of age, student access to their records may be restricted if requested by parents. In all cases it is recommended that a professional staff member can be available to interpret contents of the record.

Students who have reached 18 years of age have access to and jurisdiction over their school records.

Responsibilities:

Students and parents have the responsibility for periodically reviewing the student record in order to determine the validity of the contents.

VI. SCHOOL DISCIPLINE

Rights:

Students have a right to a school atmosphere conducive to learning which provides for the common welfare and the safety of all in the school community. They have the right to participate in the development of rules and regulations which are within the jurisdiction of local school officials.

Students have a right to protection from arbitrary and unreasonable decisions concerning the application of disciplinary measures. In cases involving suspensions* and expulsions,* they have a right to investigations of all facts and allegations and to the fair application of school rules and installation regulation.

Students have the right to be informed, in writing, of the rules which regulate behavior as well as situations that will result in disciplinary measures, before they take effect. Students shall not be subject to corporal punishment. Students have a right to an informal hearing* in all disciplinary actions, including the suspension process, and a formal hearing* in the expulsion process.

* Refer to definitions.

Students have a right to appeal all decisions and to be informed of all appeal procedures available to them.

Students have the right to be informed of the conditions under which they use school transportation. The operational authority for school transportation should develop and implement a code of student behavior for use on vehicles under their jurisdiction. Such authorities should involve students in the development of such codes of student behavior.

Responsibilities:

Students have the responsibility for being aware of and respecting the fundamental rights of others according to applicable standards of conduct or codes of behavior. Students have the responsibility for participating in the development and observance of these standards and codes.

DEFINITIONS:

*Suspension: The prohibiting by a school principal (or an assistant) of a student from attending school for a period normally not exceeding five (5) days. Suspension in excess of ten (10) days may require a formal hearing.

*Expulsion: A removal by the Regional Director of a pupil from school the remainder of a semester or school year.

*Informal Hearing: A discussion between the principal (or an assistant) and student to clarify the conditions leading to potential suspension and to allow the student an opportunity to present his or her side of the case. Informal hearings may be delayed temporarily in instances where the student's continued presence poses a danger to other students or a threat to the educational process.

*Formal Hearing: A hearing in which the student is given an opportunity to contest allegations which could result in expulsion. In such cases, students and their parents are entitled to a statement of charges in writing prior to the hearing. This statement should also advise students of their entitlement to witnesses in their behalf during the hearing.

VII. PROTECTION OF PERSONAL PRIVACY (SEARCH AND SEIZURE)

Rights:

Students have the right to be informed of local regulations and host nation laws regarding search and seizure in order to insure that the rights of each individual are respected. Students have a right to personal privacy and to be informed of their rights with regard to cooperation with investigative agencies for interrogation purposes.

Search of a student locker is permitted when the school principal or installation commander has a reasonable suspicion that the student is concealing material, the possession of which is prohibited by law, in cases of emergency, or routine inspections for health and safety. Students must be given the opportunity to be present during searches and an attempt must be made immediately to notify parents or sponsor of the action except when an emergency arises as stated in paragraph 4 of this section.

Searches of students or their personal effects must be made in the presence of a school official by an authorized individual of the same sex as the person being searched.

A blanket search can be authorized only in extreme emergency situations and under the direction of the installation commander or school principal.

Responsibilities:

Students have a responsibility for respecting host nation laws and local regulations. Students are also responsible for cooperating with law enforcement agencies in accordance with local laws and customs and under the provisions of this document. Responsibility for assuring that such cooperation does not lead to a compromise of students' rights belongs to all parties concerned.

VIII. COMMUNITY RESOURCES

A. GENERAL

Rights:

Students have the right to be informed of referral sources available that provide service. Requests for information will be held in confidence.

Responsibilities:

It is the student's responsibility for seeking information regarding available resources.

B. MEDICAL

Rights:

Students have the right to assistance in obtaining information regarding medical resources. Requests for information will be held in confidence.

Responsibilities:

Students have the responsibility for seeking proper assistance regarding medical problems. Students and parents have the responsibility for informing the school of specific medical problems affecting the students.

Anthony Cardinale
Director

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